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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 JON E. FRUDDEN,

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9 Plaintiff,

)

10 vs.

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11 KAYANN PILLING et al.,

)

12 **ORDER**

13 Defendants.

)

14 This case arises out of the adoption of a school dress code at a public elementary school.

15 Upon regaining jurisdiction from the Court of Appeals, the Court filed an order requiring  
16 Plaintiffs to file a Second Amended Complaint (“SAC”) to identify the objected-to speech and to  
17 focus the pleading for further proceedings. Attorney (and former co-Plaintiff) Mary Frudden  
18 then timely filed the SAC on behalf of remaining Plaintiff Jon E. Frudden.

19 Plaintiff objects to the magistrate judge’s minute order (ECF No. 43) permitting  
20 Defendants’ counsel to withdraw. The Court perceives the motion as one under Rule 72(a) and  
21 cannot find any error in permitting the withdrawal. Nor was it error for the magistrate judge to  
22 recognize the association of certain counsel for Defendant Roy Gomm Parent–Faculty  
23 Association (the “PFA”). The parties are free to choose their own counsel. If Plaintiff believes  
24 certain public attorneys have inappropriately associated themselves as counsel for the PFA  
25 pursuant to state law, Plaintiff may presumably file a motion for an extraordinary writ in the state

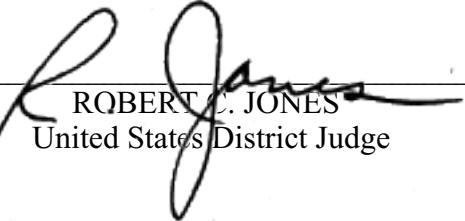
1 courts. This Court, however, has no jurisdiction to “compel action by a state official,” i.e., to  
2 command counsel for the PFA to withdraw pursuant to state statute. *See, e.g., Fierro v.*  
3 *MacDougal*, 685 F.2d 261, 262 (9th Cir. 1982) (citing 28 U.S.C. § 1361) (Boochever, J.,  
4 concurring in relevant part).

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that the Objection (ECF No. 46) is DENIED.

7 IT IS SO ORDERED.

8 Dated this 23rd day of July, 2014.

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ROBERT C. JONES  
11 United States District Judge  
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